



2015 ASSEMBLY BILL 442

October 22, 2015 - Introduced by Representatives HEBL, BERCEAU, CONSIDINE, HESSELBEIN, JORGENSEN, KAHL, POPE, SARGENT, SUBECK and C. TAYLOR, cosponsored by Senators MILLER, ERPENBACH, RINGHAND and RISSER. Referred to Committee on Environment and Forestry.

- 1 **AN ACT *to repeal*** 283.83 (1m) of the statutes; **relating to:** water quality
2 management planning for Dane County.

Analysis by the Legislative Reference Bureau

Current state law requires the Department of Natural Resources (DNR) to establish a continuing water quality management planning process that results in areawide water quality management plans for all areas of the state. The plans must include the elements required by federal law. Under DNR's rules, an areawide water quality management plan for an urban area must identify sewer service areas for a 20-year planning period.

Under the rules, for some areas, DNR reviews and approves water quality management plans developed by designated local or regional agencies. DNR adopts plans for other areas, but the rules specify that preparation of plans for those areas will be carried out by local or regional planning agencies under contract with DNR, if possible.

The 2015-17 biennial budget act (Act 55) made changes to the law to require DNR to approve or reject proposed revisions to the areawide water quality management plan for Dane County. Act 55 requires DNR to base its decision on whether the proposed revision complies with water quality standards and requires DNR to make its decision within 90 days after a formal application for the revision is submitted. Under Act 55, if DNR does not approve or reject a proposed revision to the areawide water quality management plan for Dane County within 90 days, the proposed revision is automatically approved on the 120th day, unless before that day DNR petitions the circuit court for an order extending the time for DNR to act on the

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revision. The court may grant an extension for a period it determines to be reasonable.

Act 55 authorizes DNR to contract with a regional planning commission or other entity, except Dane County or any of its subunits, including the Dane County Lakes and Watershed Commission, to provide advisory services relating to the review of proposed revisions to the areawide water quality management plan for Dane County, but specifies that DNR may not delegate its authority to approve or reject revisions. Act 55 also provides that Dane County and any of its subunits, including the Dane County Lakes and Watershed Commission, may not be designated to develop the areawide water quality management plan for Dane County.

This bill eliminates these changes to the law made under Act 55 with regard to water quality management for Dane County.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 283.83 (1m) of the statutes, as created by 2015 Wisconsin Act 55,
2 is repealed.

3 (END)